

WEDNESDAY, FEBRUARY 5, 2003

THIRD LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 3:00 p.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Reverend Ken Locke, of the Downtown Presbyterian Church in Nashville, Tennessee, a guest of Senator Henry.

PLEDGE OF ALLEGIANCE

Senator Ketron led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

PRESENTATIONS

Sgt. Gloria Gray made a presentation to Senator Miller from the National Guard Employee Support Association.

Senator Crutchfield presented **Senate Joint Resolution No. 13** to the Soddy-Daisy High School Cheerleaders.

MOTION

Senator Ford moved that the rules be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 46**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 46 by Senator Herron.
Memorials, Death -- David Wallace.

On motion of Senator Ford, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 46** was adopted by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 111 by Senator Kurita.

Hospitals and Health Care Facilities -- Authorizes Department of Health to initiate type B or type C civil penalty proceedings within two working days instead of three working days after concluding inspection or investigation of nursing home. Amends TCA Title 68 and Title 71.

Senate Bill No. 112 by Senator Kurita.

Hospitals and Health Care Facilities -- Reduces from 15 months to 14 months period of time within which every health care facility licensed by board for licensing health care facilities must be inspected following date of last inspection. Amends TCA Title 68 and Title 71.

Senate Bill No. 113 by Senator Kurita.

Criminal Procedure -- Provides that voluntary intoxication is not defense in criminal case nor is it admissible in evidence for purpose of negating culpable mental state. Amends TCA Title 39, Chapter 11, Part 5.

Senate Bill No. 114 by Senator Kurita.

Taxes, Sales -- Exempts gun safes from sales and use tax. Amends TCA Section 67-6-329.

Senate Bill No. 115 by Senator Atchley.

Pensions and Retirement Benefits -- Revises various provisions of TCRS such as filing deadline for lump sum payments, requirements for political subdivisions to withdraw from TCRS, and eligibility requirements for city judges and attorneys. Amends TCA Sections 8-34-101(34), 8-34-625, 8-34-627, 8-35-105, 8-35-206(d)(3), 8-35-218, 8-35-234, 64-5-216; and Title 8, Chapter 35, Part 4; Title 8, Chapter 36, Part 8; Title 8, Chapter 37, Part 3 and Title 8, Chapter 37, Part 5.

Senate Bill No. 116 by Senator Atchley.

Pensions and Retirement Benefits -- Specifies that employees and teachers of new charter school and public school that converts to charter school are to have same social security coverage as those employees and teachers of LEA to which charter school is associated; such charter school employees and teachers to be considered employees of LEA for social security purposes. Amends TCA Title 8, Chapter 38, Part 1.

Senate Bill No. 117 by Senator Atchley.

Pensions and Retirement Benefits -- Renames board responsible for implementation of deferred compensation program for state agency employees as board of trustees of consolidated retirement

WEDNESDAY, FEBRUARY 5, 2003 -- 3RD LEGISLATIVE DAY

system instead of consolidated retirement board. Amends TCA Title 8, Chapter 25, Parts 1, 3, and 5; Title 8, Chapter 27.

Senate Bill No. 118 by Senator Atchley.

Pensions and Retirement Benefits -- Removes reduction in supplemental bridge benefits for members retiring on early service retirement allowance. Amends TCA Title 8, Chapter 34; Title 8, Chapter 35 and Title 8, Chapter 36.

Senate Bill No. 119 by Senator Graves.

Parks, Natural Areas Preservation -- Enacts "Tennessee State Parks Management and Preservation Act of 2003". Amends TCA Title 4 and Title 11, Chapter 3.

Senate Bill No. 120 by Senator Graves.

Election Laws -- Creates mechanism for certain voters to vote absentee who will not be in-state during early voting nor on election day and who have no specific out-of-county or out-of-state location to which absentee ballot may be sent. Amends TCA Title 2, Chapter 6, Part 2.

Senate Bill No. 121 by Senator Graves.

Pensions and Retirement Benefits -- Shifts commissioned park rangers and park managers from Group I to Group II of consolidated retirement systems; changes benefits, required years of service, and mandatory retirement accordingly. Amends TCA Title 8, Chapter 34 and Title 8, Chapter 36.

Senate Bill No. 122 by Senator Graves.

Insurance Companies, Agents, Brokers, Policies -- Prohibits homeowners insurance premium amounts to be tied to credit report information. Amends TCA Title 47, Chapter 18; Title 56 and Title 56, Chapter 5.

Senate Bill No. 123 by Senator Graves.

Insurance Companies, Agents, Brokers, Policies -- Limits annual premium and rate increases for policies of homeowner insurance to amount not to exceed prior year's premium plus 1 percent. Amends TCA Title 47, Chapter 18 and Title 56.

Senate Bill No. 124 by Senator Graves.

Registers of Deeds -- Removes requirement that register include on certification of record written reference to where recorded instruments are noted in paper records. Amends TCA Section 8-13-108(a)(6).

Senate Bill No. 125 by Senator Fowler.

State Government -- Specifies certain requirements for funding and for contents of fiscal notes for legislation creating state programs, services, or systems to be phased in over period of years. Amends TCA Title 3 and Title 9.

Senate Bill No. 126 by Senator Fowler.

Public Funds and Financing -- Limits appropriations by General Assembly for next fiscal year to amount of revenue projected to be collected in fiscal year in progress. Amends TCA Title 9.

Senate Bill No. 127 by Senator Cooper.

Scholarships and Financial Aid -- Enacts "Tennessee National Guard Tuition Assistance Act". Amends TCA Title 49, Chapter 4 and Title 58, Chapter 1.

WEDNESDAY, FEBRUARY 5, 2003 -- 3RD LEGISLATIVE DAY

Senate Bill No. 128 by Senator Jackson.

Handgun Permits -- Provides that valid handgun permit issued in another state is valid in this state if issuing state also recognizes validity of Tennessee permits in issuing state. Amends TCA Title 39, Chapter 17, Part 13.

Senate Bill No. 129 by Senator Jackson.

Taxes -- Increases number of days in which voters can petition for referendum on wheel tax levied by county under general law provisions from 30 to 45. Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 16; Title 30; Title 36; Title 39; Title 40; Title 45; Title 47; Title 48; Title 49; Title 50; Title 54; Title 55; Title 56; Title 57; Title 60; Title 61; Title 62; Title 65; Title 67; Title 68; Title 69; Title 70 and Title 71.

Senate Bill No. 130 by Senator Jackson.

Taxes -- Extends confidentiality protection of taxpayer records to electronically filed returns. Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 16; Title 30; Title 36; Title 39; Title 40; Title 45; Title 47; Title 48; Title 49; Title 50; Title 54; Title 55; Title 56; Title 57; Title 60; Title 61; Title 62; Title 65; Title 67; Title 68; Title 69; Title 70 and Title 71.

Senate Bill No. 131 by Senator Jackson.

Taxes -- Increases number of days from 30 to 60 that debtors of dealers, after notice, must not transfer or dispose of property or debts in their possession which belong to dealers delinquent in payment of sales tax. Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 16; Title 30; Title 36; Title 39; Title 40; Title 45; Title 47; Title 48; Title 49; Title 50; Title 54; Title 55; Title 56; Title 57; Title 60; Title 61; Title 62; Title 65; Title 67; Title 68; Title 69; Title 70 and Title 71.

Senate Bill No. 132 by Senator Jackson.

Pharmacy, Pharmacists -- Enacts discount card prescription drug cost assistance program for certain senior citizens. Amends TCA Title 56; Title 63 and Title 71.

Senate Bill No. 133 by Senator Beavers.

Driver Licenses -- Expands by one hour time in which operator with learner permit may drive with licensed adult driver. Amends TCA Section 55-50-102; Section 55-50-311 and Section 55-50-312.

Senate Bill No. 134 by Senator Henry.

Consumer Protection -- Requires bedding sold in this state to have certain tags securely and permanently attached thereto.

Senate Bill No. 135 by Senator Fowler.

Attorney General and Reporter -- Restricts attorney general from hiring outside counsel who is currently involved in litigation against state. Amends TCA Title 8, Chapter 6, Part 1.

Senate Bill No. 136 by Senator Fowler.

Basic Education Program (BEP) -- Requires adequate BEP funding for additional personnel expenses incurred, on individual school basis, in order to comply with maximum class size requirements. Amends TCA Title 49, Chapter 3, Part 3.

Senate Bill No. 137 by Senator Fowler.

Basic Education Program (BEP) -- Provides that state mandated pay raises, occurring on or after July 1, 2003, may be applied in accordance with policies and procedures established by local education agency. Amends TCA Title 49, Chapter 3, Part 3.

WEDNESDAY, FEBRUARY 5, 2003 -- 3RD LEGISLATIVE DAY

Senate Bill No. 138 by Senator Fowler.

Highways, Roads and Bridges -- Authorizes Davidson County to draw down funds distributed to metropolitan planning organizations for designing needs and bridges. Amends TCA Title 54.

Senate Bill No. 139 by Senator Williams.

Transportation, Dept. of -- Removes requirement that department advertise bids for two weeks prior to date set for receiving bids in newspaper published in county where money is to be expended. Amends TCA Title 54.

Senate Bill No. 140 by Senator Williams.

Transportation, Dept. of -- Requires present report of long range and coordinated statewide transportation plan, which is to be submitted to General Assembly by Commissioner of Transportation every two years, to be submitted by February 1st of first year of each new General Assembly. Amends TCA Title 4.

Senate Bill No. 141 by Senator Williams.

Water -- Authorizes state to exercise authority over effluents if federal government unable to perform duties due to budget shortfalls. Amends TCA Title 68 and Title 69.

Senate Bill No. 142 by Senator Williams.

Public Contracts -- Incrementally increases present amount of public works contracts in excess of \$100,000 for which contractor is required to post 25 percent bond by increasing amount annually based on consumer price index as published by U.S. Bureau of Labor Statistics. Amends TCA Title 12.

Senate Bill No. 143 by Senator Williams.

Safety -- Increases, from 200 to 300 feet, distance required for clear view of vehicle parked on highway outside business or residential district. Amends TCA Title 55.

Senate Bill No. 144 by Senator McNally.

Lottery -- Establishes educational uses of proceeds of lottery. Amends TCA Title 4; Title 33; Title 38; Title 39; Title 48; Title 49 and Title 68.

Senate Bill No. 145 by Senators McNally, Dixon and Burks.

Pensions and Retirement Benefits -- Requires that contribution level of retirees with 30 or more years of service not be less than \$50.00 per month. Amends TCA Section 8-27-702.

Senate Bill No. 146 by Senators McNally, Dixon and Burks.

Education -- Enacts "Education Reform Act of 2003". Amends TCA Title 49.

Senate Bill No. 147 by Senator Cohen.

Trade Regulation -- Prohibits post-employment geographically limited non-compete covenants in broadcasting industry. Amends TCA Title 47, Chapter 25 and Title 50.

Senate Bill No. 148 by Senator Cohen.

Hazardous Materials -- Requires engine coolant or antifreeze sold after July 1, 2004, to include bittering agent; violation is Class C misdemeanor; includes limited liability and exclusion provisions. Amends TCA Title 68, Chapter 131.

WEDNESDAY, FEBRUARY 5, 2003 -- 3RD LEGISLATIVE DAY

Senate Bill No. 149 by Senators Harper, Haynes and Mr. Speaker Wilder.

Boards and Commissions -- Increases membership of tax study commission to include one member who is African-American and three members who are female. Amends TCA Title 67, Chapter 10, Part 1.

Senate Bill No. 150 by Senator Dixon.

Motor Vehicles -- Revises coverage of Lemon Law, express warranty period, and statute of limitations. Amends TCA Section 55-24-205; Section 55-24-207 and Section 55-24-201.

Senate Bill No. 151 by Senator Dixon.

Education, State Board of -- Requires one member of board be K-12 public school teacher. Amends TCA Section 49-1-301.

Senate Bill No. 152 by Senator Dixon.

Education -- Requires local education insurance committees to provide premium reimbursements for retired teachers participating in medical insurance plans. Amends TCA Section 8-27-302.

Senate Bill No. 153 by Senator Dixon.

Mobile Homes and Manufactured Buildings -- Requires manufactured homes be equipped with weather radios before being sold or leased. Amends TCA Title 68, Chapter 126.

Senate Bill No. 154 by Senator Dixon.

Education -- Requires student activity funds to be deposited in state depository, state-chartered credit union, or federally-chartered credit union. Amends TCA Section 49-2-110.

Senate Bill No. 155 by Senator Dixon.

Bail, Bail Bonds -- Makes various revisions to law concerning bail bonds; clarifies when bonds can be reinstated or continued; prohibits persons disqualified from acting as bondsman to be employed by or hold stock in bail bond company. Amends TCA Title 40, Chapter 11 and Title 67, Chapter 4.

Senate Bill No. 156 by Senator Dixon.

Public Records -- Requires social security numbers to be redacted from all public documents posted on Internet; authorizes social security numbers to be redacted from other public documents upon payment of fee. Amends TCA Title 8, Chapter 13 and Title 10, Chapter 7, Part 5.

Senate Bill No. 157 by Senator Fowler.

Campaigns and Campaign Finance -- Prohibits candidate from repaying loan from previous election with contributions received after such election. Amends TCA Title 2, Chapter 10.

Senate Bill No. 158 by Senator Fowler.

Judges and Chancellors -- Adds intent to preserve separation of powers doctrine to purposes of judicial selection and evaluation commissions. Amends TCA Title 17, Chapter 4, Part 1 and Title 17, Chapter 4, Part 2.

Senate Bill No. 159 by Senator Fowler.

Judges and Chancellors -- Requires judicial selection commission to determine whether judicial nominee will adhere to doctrine of separation of powers in interpreting state constitution and statutes. Amends TCA Title 17, Chapter 4, Part 1 and Title 17, Chapter 4, Part 2.

WEDNESDAY, FEBRUARY 5, 2003 -- 3RD LEGISLATIVE DAY

Senate Bill No. 160 by Senator Fowler.

Attorney General and Reporter -- Creates and establishes elective office of solicitor general; transfers to such office certain duties currently performed by attorney general and reporter. Amends TCA Title 8, Chapter 6; Title 38, Chapter 5 and Title 38, Chapter 6.

Senate Bill No. 161 by Senator Trail.

Education, Higher -- Permits retired faculty members to be re-employed by state institutions of higher education for up to 10 years. Amends TCA Title 8, Chapter 36, Part 8.

Senate Bill No. 162 by Senator Trail.

Workers' Compensation -- Requires annual report for competitive state workers' compensation insurance fund to include summary description of specific investments of funds assets. Amends TCA Title 50, Chapter 6.

Senate Bill No. 163 by Senator Trail.

County Government -- Extends time for utilities or carriers engaged in transportation of property to remedy condition of overgrown vegetation or accumulated debris from 20 days to 30 days excluding Saturdays, Sundays, and legal holidays. Amends TCA Title 5.

Senate Bill No. 164 by Senator Trail.

Municipal Government -- Requires county election commission to publish notice of elections involving abolishing charters for four consecutive weeks in local newspaper instead of two consecutive weeks. Amends TCA Title 6 and Title 7.

Senate Bill No. 165 by Senator Trail.

Basic Education Program (BEP) -- Requires annual reports to education committees of Senate and House of Representatives on individual incentive grants to schools and K-3 at-risk class size programs. Amends TCA Title 49, Chapter 3, Part 3.

Senate Bill No. 166 by Senator Trail.

Tennessee Higher Education Commission -- Allows constitutional officers to appoint designees to represent them on Tennessee higher education commission. Amends TCA Title 49, Chapter 7, Part 2.

Senate Bill No. 167 by Senator Norris.

Traffic Safety -- Requires driver to operate vehicle at safe speed, maintain safe lookout, and use due care to keep vehicle under control. Amends TCA Title 55, Chapter 8, Part 1.

Senate Bill No. 168 by Senator Fowler.

Highway Signs -- "Harrison Bay Parkway", S.R. 58 in Hamilton County.

Senate Bill No. 169 by Senator Fowler.

Motor Vehicles -- Requires van accessible only parking spaces to be so designated prior to citing otherwise eligible driver from parking in such space. Amends TCA Title 55, Chapter 21, Part 1.

Senate Bill No. 170 by Senator Haynes.

Zoning -- Prohibits county legislative bodies from regulating appearance of property and buildings unless such appearance adversely affects health and safety of others. Amends TCA Title 13, Chapter 7.

WEDNESDAY, FEBRUARY 5, 2003 -- 3RD LEGISLATIVE DAY

Senate Bill No. 171 by Senator Haynes.

State Government -- Enacts "Efficiency in Government Act of 2003". Amends TCA Title 4; Title 12; Title 42; Title 50; Title 62; Title 63 and Title 71.

Senate Bill No. 172 by Senator Haynes.

Workers' Compensation -- Clarifies that employer and employee representatives on advisory council on workers' compensation are not required to file state travel forms if they are not seeking reimbursement under state travel rules. Amends TCA Title 13, Chapter 7; Title 38, Chapter 6; Title 50, Chapter 3; Title 50, Chapter 6; Title 50, Chapter 9 and Title 56.

Senate Bill No. 173 by Senator Haynes.

Alcoholic Beverage Commission -- Increases membership of ABC from three to five; requires one member to have experience as owner or operator of liquor by drink establishment and one member to represent some other segment of industry regulated by ABC. Amends TCA Title 57.

Senate Bill No. 174 by Senator Haynes.

Plumbers and Plumbing -- Establishes licensing system for plumbers under board for licensing contractors; licensed plumbers are not subject to additional license requirements by local governments. Amends TCA Title 62, Chapter 6.

Senate Bill No. 175 by Senator Norris.

Financial Institutions, Dept. of -- Requires commissioner to divide among state banks, any funds collected from state banks for annual banking fee which are unexpended by department at end of fiscal year. Amends TCA Section 45-1-118.

Senate Bill No. 176 by Senator Norris.

Motor Vehicles -- Prohibits exhibition of obscene or patently offensive movies or videotapes on or within motor vehicle if such exhibition is visible to other drivers; imposes fine from \$2.00 to \$50.00 for violation. Amends TCA Section 55-8-187.

Senate Bill No. 177 by Senator Crutchfield.

Teachers, Principals and School Personnel -- Provides for \$4,000 salary supplement for classroom teachers who achieve NPTS certification. Amends TCA Section 49-5-5609.

Senate Bill No. 178 by Senator Crutchfield.

Mental Health and Developmental Disabilities, Dept. of -- Adds definition of abuse, neglect or mistreatment to Mental Health, Developmental Disabilities and Personal Support Services Licensure Law. Amends TCA Title 33.

Senate Bill No. 179 by Senator Crutchfield.

Teachers, Principals and School Personnel -- Provides for \$3,000 annual bonus to teachers who have achieved certification by National Board of Professional Teaching Standards. Amends TCA Title 49, Chapter 5, Part 56.

Senate Bill No. 180 by Senator Cooper.

Banks and Financial Institutions -- Requires industrial loan and thrift companies to provide detailed written statement or copy of loan contract to borrowers; prohibits industrial loan and thrift companies from disseminating false or untrue statements relative to terms upon which money may be loaned; allows commissioner of financial institutions to prepare various repayment schedules. Amends TCA Title 45, Chapter 5, Part 1 and Title 45, Chapter 5, Part 4.

Senate Bill No. 181 by Senator Cooper.

Private Protective Services -- Requires funeral procession escort services to be licensed as security guards/officers. Amends TCA Title 62, Chapter 35, Part 1.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

Senate Bill No. 28 referred to Committee on Judiciary.

Senate Bill No. 29 referred to Committee on Judiciary.

Senate Bill No. 30 referred to Committee on Judiciary.

Senate Bill No. 31 referred to Committee on State and Local Government.

Senate Bill No. 32 referred to Committee on Judiciary.

Senate Bill No. 33 referred to Committee on Judiciary.

Senate Bill No. 34 referred to Committee on Finance, Ways and Means.

Senate Bill No. 35 referred to Committee on Judiciary.

Senate Bill No. 36 referred to Committee on Judiciary.

Senate Bill No. 37 referred to Committee on Transportation.

Senate Bill No. 38 referred to Committee on Finance, Ways and Means.

Senate Bill No. 39 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 40 referred to Committee on Finance, Ways and Means.

Senate Bill No. 41 referred to Committee on Finance, Ways and Means.

Senate Bill No. 42 referred to Committee on Finance, Ways and Means.

Senate Bill No. 43 referred to Committee on State and Local Government.

Senate Bill No. 44 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 45 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 46 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 47 referred to Committee on General Welfare, Health and Human Resources.

WEDNESDAY, FEBRUARY 5, 2003 -- 3RD LEGISLATIVE DAY

Senate Bill No. 48 referred to Committee on Judiciary.

Senate Bill No. 49 referred to Committee on Judiciary.

Senate Bill No. 50 referred to Committee on Finance, Ways and Means.

Senate Bill No. 51 referred to Committee on Finance, Ways and Means.

Senate Bill No. 52 referred to Committee on Finance, Ways and Means.

Senate Bill No. 53 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 54 referred to Committee on Finance, Ways and Means.

Senate Bill No. 55 referred to Committee on Judiciary.

Senate Bill No. 56 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 57 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 58 referred to Committee on State and Local Government.

Senate Bill No. 59 referred to Committee on State and Local Government.

Senate Bill No. 60 referred to Committee on Transportation.

Senate Bill No. 61 referred to Committee on Transportation.

Senate Bill No. 62 referred to Committee on State and Local Government.

Senate Bill No. 63 referred to Committee on State and Local Government.

Senate Bill No. 64 referred to Committee on Judiciary.

Senate Bill No. 65 referred to Committee on State and Local Government.

Senate Bill No. 66 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 67 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 68 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 69 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 70 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 71 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 72 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 73 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 74 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 75 referred to Committee on State and Local Government.

Senate Bill No. 76 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 77 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 78 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 79 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 80 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 81 referred to Committee on Government Operations.

Senate Bill No. 82 referred to Committee on Education.

Senate Bill No. 83 referred to Committee on State and Local Government.

Senate Bill No. 84 referred to Committee on Judiciary.

Senate Bill No. 85 referred to Committee on Transportation.

Senate Bill No. 86 referred to Committee on Government Operations.

Senate Bill No. 87 referred to Committee on Transportation.

Senate Bill No. 88 referred to Committee on Government Operations.

Senate Bill No. 89 referred to Committee on State and Local Government.

Senate Bill No. 90 referred to Committee on State and Local Government.

Senate Bill No. 91 referred to Committee on Transportation.

Senate Bill No. 92 referred to Committee on State and Local Government.

Senate Bill No. 93 referred to Committee on Finance, Ways and Means.

Senate Bill No. 94 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 95 referred to Committee on Education.

Senate Bill No. 96 referred to Committee on Education.

Senate Bill No. 97 referred to Committee on State and Local Government.

Senate Bill No. 98 referred to Committee on State and Local Government.

Senate Bill No. 99 referred to Committee on State and Local Government.

Senate Bill No. 100 referred to Committee on Finance, Ways and Means.

Senate Bill No. 101 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 102 referred to Committee on Finance, Ways and Means.

Senate Bill No. 103 referred to Committee on Judiciary.

Senate Bill No. 104 referred to Committee on Finance, Ways and Means.

Senate Bill No. 105 referred to Committee on Education.

Senate Bill No. 106 referred to Committee on State and Local Government.

Senate Bill No. 107 referred to Committee on Judiciary.

Senate Bill No. 108 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 109 referred to Committee on Education.

Senate Bill No. 110 Caption Bill -- held on desk pending filing of amendment.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 26 by Senator Jackson.

Memorials, Personal Achievement -- Christopher James and David Brown, Eaker Award.

Senate Joint Resolution No. 27 by Senator Fowler.

Memorials, Congress -- Urges passage of federal constitutional amendment to define marriage exclusively as "union of a man and a woman".

Senate Joint Resolution No. 28 by Senator Trail.

Memorials, Death -- Lytle "Jug" Landers.

Senate Joint Resolution No. 29 by Senator Jackson.

Memorials, Personal Achievement -- Brandon Holt, Eagle Scout.

Senate Joint Resolution No. 30 by Senator Jackson.

Memorials, Personal Achievement -- Josh Deal, Eagle Scout.

Senate Joint Resolution No. 33 by Senator Henry.

Memorials, Sports -- David Lipscomb High School football team, 2002 TSSAA Class 2A champions.

WEDNESDAY, FEBRUARY 5, 2003 -- 3RD LEGISLATIVE DAY

Senate Joint Resolution No. 34 by Senator Henry.

Memorials, Sports -- Montgomery Bell Academy, 2002 TSSAA Division II, AAA football champions.

Senate Joint Resolution No. 35 by Mr. Speaker Wilder and Senator Henry.

Memorials, Death -- Clyde William McCullough, Jr.

Senate Joint Resolution No. 36 by Senator Fowler.

Constitutional Amendments -- Requires that vacancies in judgeships of supreme court, appellate courts, circuit and chancery and other inferior courts must be filled in open, competitive elections; prohibits retention elections.

Senate Joint Resolution No. 38 by Senator Ramsey.

Memorials, Public Service -- Ed Moore.

Senate Joint Resolution No. 39 by Mr. Speaker Wilder and Senator McNally.

Memorials, Heroism -- Expresses sorrow at loss of Space Shuttle Columbia and offers condolences to families of crew members.

Senate Joint Resolution No. 40 by Senators Cohen, Norris, Person, Kyle, Dixon and Ford.

Memorials, Death -- Gwen Awsumb.

Senate Joint Resolution No. 41 by Senator Crowe.

Memorials, Professional Achievement -- Harvey Burniston, Jr.

Senate Joint Resolution No. 42 by Senator Crowe.

Memorials, Retirement -- James D. Bowman.

Senate Joint Resolution No. 43 by Senator Crowe.

Memorials, Personal Achievement -- Arthur Byron "Deacon" Bowers.

Senate Joint Resolution No. 44 by Senator Norris.

Constitutional Amendments -- Proposes amendment to Article XI, Section 11, of Tennessee Constitution, to authorize General Assembly to establish enhanced homestead exemption for elderly homeowners.

Senate Joint Resolution No. 45 by Senator Norris.

Constitutional Amendments -- Alters Article II, Section 28, to require General Assembly to prescribe, by general law, option whereby counties and cities may exempt all or any part of real property taxes owed by elderly homeowners or disabled homeowners with respect to owner-occupied primary places of residence.

Senate Resolution No. 2 by Senator Ford.

Memorials, Death -- Alberta Francis Smith.

RESOLUTIONS LYING OVER

Senate Resolution No. 1 -- General Assembly, Confirmation of Appointment -- Darlene L.

McNeece, reappointment to Tennessee Registry of Election Finance.

The Speaker announced that he had referred Senate Resolution No. 1 to Committee on State and Local Government.

WEDNESDAY, FEBRUARY 5, 2003 -- 3RD LEGISLATIVE DAY

Senate Joint Resolution No. 19 -- Constitutional Amendments -- Provides for popularly elected attorney general and reporter for state.

The Speaker announced that he had referred Senate Joint Resolution No. 19 to Committee on Judiciary.

Senate Joint Resolution No. 20 -- Memorials, Public Service -- Family & Children's Services of Chattanooga, 125th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 20 to Committee on Calendar.

Senate Joint Resolution No. 22 -- Memorials, Retirement -- Judge Allen W. Wallace.

The Speaker announced that he had referred Senate Joint Resolution No. 22 to Committee on Calendar.

Senate Joint Resolution No. 23 -- Naming and Designating -- May 24, Tennessee Aviation Maintenance Technicians Day.

The Speaker announced that he had referred Senate Joint Resolution No. 23 to Committee on Transportation.

Senate Joint Resolution No. 24 -- Memorials, Retirement -- Alma and Billy Ford.

The Speaker announced that he had referred Senate Joint Resolution No. 24 to Committee on Calendar.

Senate Joint Resolution No. 25 -- Memorials, Death -- J.R. Humphreys.

The Speaker announced that he had referred Senate Joint Resolution No. 25 to Committee on Calendar.

House Joint Resolution No. 17 -- Memorials, Public Service -- Ken Fulmar, Mayor of Bartlett.

The Speaker announced that he had referred House Joint Resolution No. 17 to Committee on Calendar.

MOTION

Senator Person moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 17**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 17 -- Memorials, Public Service -- Ken Fulmar, Mayor of Bartlett.

On motion of Senator Person, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 17** was concurred in by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

MOTION

Senator Cooper moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 21**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 21 -- Memorials, Heroism -- Honors soldiers and military units from Tennessee mobilized in support of War on Terrorism.

On motion of Senator Cooper, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 21** was concurred in by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

MOTION

Senator Kyle moved that Rule 39 be suspended for the purpose of allowing any amendments to the Rules filed by 9:00 a.m., Thursday, February 6, 2003, to be considered timely filed, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

RECALL OF BILL

On motion of Senator Crutchfield, **Senate Bill No. 21** was recalled from the Committee on Commerce, Labor and Agriculture.

WITHDRAWAL OF BILL

On motion of Senator Crutchfield, Senate Bill No. 21 was withdrawn from the Senate.

RECALL OF BILL

On motion of Senator Henry, **Senate Joint Resolution No. 33** was recalled from the Clerk's desk.

WITHDRAWAL OF BILL

On motion of Senator Henry, Senate Joint Resolution No. 33 was withdrawn from the Senate.

MOTION

On motion of Senators Cohen, Dixon, Ford, Kyle, Norris, Person and Mr. Speaker Wilder, their names were added as sponsors of **House Joint Resolution No. 17**.

On motion, all Senators' names were added as sponsors of **House Joint Resolution No. 21**.

REPORT OF CHIEF ENGROSSING CLERK

February 4, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 14 and 21, for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

February 5, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 16, 18, 20, 22, 23, 24, 25 and 27; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 5, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 21, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

ENGROSSED BILLS

February 5, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 46, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

February 5, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 32, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

February 5, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 32, and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

SIGNED

February 5, 2003

The Speaker announced that he had signed the following: Senate Joint Resolution No. 32.

MESSAGE FROM THE HOUSE

February 5, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 32, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

WEDNESDAY, FEBRUARY 5, 2003 -- 3RD LEGISLATIVE DAY

REPORT OF CHIEF ENGROSSING CLERK

February 5, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolution No. 32, for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 9:00 a.m., Thursday, February 6, 2003, which motion prevailed.